

# State of South Dakota

## EIGHTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2013

922U0145

### SENATE BILL NO. 98

Introduced by: Senators Monroe, Begalka, and Jensen and Representatives Miller, Greenfield, Haggar (Don), Nelson, Olson (Betty), and Russell

1 FOR AN ACT ENTITLED, An Act to revise certain statutory immunization exemption  
2 requirements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-28-7.1 be amended to read as follows:

5 13-28-7.1. Any pupil entering school or an early childhood program in this state, shall, prior  
6 to admission, be required to present to the appropriate school authorities certification from a  
7 licensed physician that the child has received or is in the process of receiving adequate  
8 immunization against poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps, tetanus, and  
9 varicella, according to recommendations provided by the Department of Health. The  
10 Department of Health may modify or delete any of the required immunizations. As an  
11 alternative to the requirement for a physician's certification, the pupil may present:

12 (1) Certification from a licensed physician stating the physical condition of the child  
13 would be such that immunization would endanger the child's life or health; or

14 (2) A written statement signed by one parent or guardian that the child is an adherent to  
15 a religious doctrine ~~whose teachings are~~ or personal religious commitment opposed



1 to such immunization; or

- 2 (3) A written statement signed by one parent or guardian requesting that the local health  
3 department give the immunization because the parents or guardians lack the means  
4 to pay for such immunization.

5 The Department of Health may promulgate reasonable rules, in accordance with chapter 1-  
6 26, to require compliance and documentation of adequate immunization, to define appropriate  
7 certification, and to specify standard procedure.

8 Section 2. That § 13-53-47 be amended to read as follows:

9 13-53-47. Any student entering a public or private postsecondary education institution in this  
10 state for the first time after July 1, 2008, shall, within forty-five days after the start of classes,  
11 present to the appropriate institution certification from a licensed physician that the student has  
12 received or is in the process of receiving the required two doses of immunization against  
13 measles, rubella, and mumps. As an alternative to the requirement for a physician's certification,  
14 the student may present:

- 15 (1) Certification from a licensed physician stating the physical condition of the student  
16 would be such that immunization would endanger the student's life or health;
- 17 (2) Certification from a licensed physician stating the student has experienced the natural  
18 disease against which the immunization protects;
- 19 (3) Confirmation from a laboratory of the presence of adequate immunity; or
- 20 (4) A written statement signed by the student that the student is an adherent to a religious  
21 doctrine ~~whose teachings are~~ or personal religious commitment opposed to such  
22 immunizations. If the student is under the age of eighteen, the written statement shall  
23 be signed by one parent or guardian.

24 Section 3. That § 27B-3-17 be amended to read as follows:

1        27B-3-17. Any person with a developmental disability voluntarily or involuntarily admitted  
2        to the facility shall be tested for communicable diseases as deemed necessary by a licensed  
3        physician in charge of tests and immunizations at the facility, by such means of tests and  
4        immunizations as are approved by the Department of Health or shall present:

5        (1)    Certification from a licensed physician stating the physical condition of the person  
6                with a developmental disability would be such that a test and immunization would  
7                endanger the person's life or health;

8        (2)    A written statement signed by a parent or guardian of the person with a  
9                developmental disability that the person is adherent to a belief ~~whose teachings are~~  
10                opposed to the test and immunization;

11        (3)    A written statement signed by a parent or guardian of the person with a  
12                developmental disability requesting that the local health department or the facility  
13                give the test and immunization because the parent or guardian lacks the means to pay  
14                for the test and immunization; or

15        (4)    A written statement from a licensed physician requesting that the person with a  
16                developmental disability not be immunized.